

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT

In the Matter of:

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846-swr

Hon. Steven W. Rhodes

**MOTION FOR EX PARTE ORDER TO ADJOURN HEARING ON THOMAS GERALD
MOORE’S MOTION (DOC. #1035) FOR RELIEF FROM THE AUTOMATIC STAY TO
ALLOW CIVIL LITIGATION TO PROCEED FOR DISCOVERY PURPOSES AND/OR TO
RECOVER ANY INSURANCE COVERAGE UNDER DEFENDANTS’ HOMEOWNERS
INSURANCE POLICIES**

NOW COMES Thomas Gerald Moore, (“Moore”), by and through counsel, Jay S. Kalish, and for his Motion for an Ex Parte Order to Adjourn the Hearing on his Motion For Relief from the Automatic Stay to Allow Civil Litigation to Proceed for Discovery Purposes and/or To Recover Any Insurance Coverage under the Defendants’ Homeowners Insurance Policies (Doc. #1035), and says as follows:

1. On September 26, 2013, at Doc. #1035, Moore filed his Motion For Relief from the Automatic Stay to Allow Civil Litigation to Proceed for Discovery Purposes and/or To Recover Any Insurance Coverage under the Defendants’ Homeowners Insurance Policies (the “Motion”).
2. On October 10, 2013, at Doc. #1145, the Debtor filed its Objection to the Motion.
3. On October 12, 2013, at Doc. #1178, the Detroit Police Officer’s Association filed an Objection to the Motion.
4. On October 21, 2013, at Doc. #1278, the Court set a hearing date of November 13, 2013 at 10:00 a.m. (the “Hearing”) as the date and time for a hearing on the Motion.

5. On October 23, 2013, at Doc. #1335, the Court rescheduled the Hearing for November 14, 2013 at 10:00 a.m. (the "Adjourned Hearing").
6. Counsel for Movant, Jay S. Kalish, and Counsel for the Debtor, Timothy A. Fusco, have been engaged in settlement discussions which, if successful, could obviate the need for the Court to hold the Hearing.
7. Mr. Fusco has authorized undersigned counsel to advise the Court that he does not object to the Adjourned Hearing on the Motion being adjourned to a date in December when the Court is next available to hear the Motion.
8. This Motion is supported by the files and records of this cause, the rules of this Honorable Court and the Affidavit of Jay S. Kalish attached hereto.

WHEREFORE, Movant respectfully pray that this Court enter an Ex Parte Order Adjourning the Hearing on Thomas Gerald Moore's Motion to Relief from the Automatic Stay to Allow Civil Litigation to Proceed for Discovery Purposes and/or To Recover Any Insurance Coverage under the Defendants' Homeowners Insurance Policies to a date in December when the Court is next available to hear the Motion and for such additional relief as the Court deems just and equitable.

Respectfully Submitted,

JAY S. KALISH & ASSOCIATES, P.C.

/s/ Jay S. Kalish
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Dated: November 11, 2013